

# **EXHIBIT 3**

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **ORAL EXAMINATION OF DANIEL DERENDA**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15  
16  
17 November 10, 2021

18 At 9:00 a.m.

19 Pursuant to notice  
20

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

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~~DANIEL DERENDA~~

1 entire time you were employed there?

2 A. It held that name up until October 8th when it  
3 became Allied Universal. They purchased the  
4 stock maybe six, seven months prior. As I  
5 said, I agreed to stay on until October 22nd  
6 so I believe technically I was under Allied  
7 Universal for the two-week period and now with  
8 severance pay I'm being paid out by Allied  
9 Universal.

10 Q. And what was your -- what did your job consist  
11 of?

12 A. I had a couple of positions. I started out as  
13 a general manager Buffalo/Rochester area,  
14 became director of operations of all New  
15 England which included Upstate New York and  
16 about a year ago I came back just to the  
17 Buffalo/Rochester area as a district manager.

18 Q. Okay. And that was a private security  
19 company?

20 A. Yes.

21 Q. And was your employment prior to that as  
22 Commissioner of the Buffalo Police Department?

23 A. I was with the Buffalo Police Department for

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~~DANIEL DERENDA~~

1 32 years. Commissioner of police since 2010.

2 Q. Okay. So you were commissioner from 2010  
3 through 2018 when you left?

4 A. To January 18.

5 Q. Okay. And then after January 18th you had the  
6 employment we discussed?

7 A. Correct.

8 Q. What was the BPD Strike Force?

9 MR. QUINN: Object to the form. You can  
10 answer.

11 A. Strike Force was a unit that we put together  
12 to go and basically supplement other districts  
13 so they can go in. They weren't tied to a  
14 radio. They were in there to be proactive  
15 going after areas where we had spikes in  
16 crime.

17 Q. And I'm sorry, Mr. Derenda. You froze for a  
18 minute so I couldn't hear your answer.

19 A. Strike Force was the unit we put together --

20 MR. QUINN: Did you get the answer,  
21 Rebecca? I want to make sure we're not missing  
22 things.

23 (Record read back by reporter)

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—DANIEL DERENDA—

1 MR. QUINN: I think that was the whole  
2 answer.

3 Q. Okay. Thank you. What was the main mission  
4 of the Strike Force?

5 MR. QUINN: Object to the form. You can  
6 answer.

7 A. The main mission was to -- they would go after  
8 guns, drugs, intelligence gathering and again  
9 to supplement the districts in areas where we  
10 had problems. Again, they were not tied to  
11 the radio. They were to be proactive and they  
12 were out to be on the street depending on  
13 circumstances that were going on throughout  
14 the city.

15 Q. And the document that I would like to show you  
16 -- just one second. I'm going to mark as  
17 Exhibit 1 a document that was produced to us  
18 with Bates number COB060319. It says at the  
19 top Strike Force Mission.

20 Mr. Derenda, do you recognize this  
21 document?

22 A. I do.

23 Q. Did you author it?

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~~DANIEL DERENDA~~

1 A. I did.

2 Q. And does this document accurately describe the  
3 mission of the Strike Force?

4 A. Yes, it does.

5 Q. And you were directly involved in the creation  
6 of the Strike Force, right?

7 A. Correct.

8 Q. Why did you create the Strike Force?

9 MR. QUINN: Object to the form.

10 A. Actually, before the Strike Force we had a  
11 unit called the MRU which was basically the  
12 same mission. Very successful. It had a  
13 shelf life. The officers assigned there were  
14 very proactive and they started to not work as  
15 hard so we got rid of the unit and we reformed  
16 the Strike Force Unit maybe -- I don't know  
17 how much time in between.

18 But again, we did it to target areas of  
19 high crime and, again, to supplement the  
20 districts and to concentrate on problems.

21 Q. Okay. And when you say very successful, how  
22 was that success measured?

23 MR. QUINN: Object to the form. You can

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—DANIEL DERENDA—

1           make sure that drivers are licensed and  
2           registrations are valid and inspections are  
3           valid?

4           A. Because why would I want people to have  
5           driver's license? Is that the question? So  
6           that the vehicles are legally registered,  
7           they're legally inspected. Improperly  
8           inspected vehicles could be a traffic hazard.  
9           Vehicles should be registered and insured and  
10          people with seatbelts on -- should have their  
11          seatbelts on. That's the law.

12          Q. Why should the roadblocks be setup to minimize  
13          the possibility of avoiding it?

14          A. So if you set it up in a way that will give  
15          somebody or make somebody think that they can  
16          just drive through it or around it, you set it  
17          up in a way to make it safe for vehicles to  
18          pass through.

19          Q. And why did you direct your officers to  
20          conduct a traffic stop on any vehicle that  
21          attempts to avoid the roadblock?

22          A. If they're avoiding the roadblock, again, it  
23          was part of the directive. They're avoiding

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—DANIEL DERENDA—

1           it for whatever reason, for whatever traffic  
2           safety violations they may incur.

3           Q. How would an officer know whether a vehicle  
4           was attempting to avoid the roadblock?

5           A. If they're going around the officers as  
6           they're doing a roadblock. We've had vehicles  
7           just take off speeding up on the sidewalk.  
8           All kinds of things have taken place.

9           Q. So what if a person is just making a normal  
10          turn? Is that attempting to avoid a  
11          roadblock?

12                   MR. QUINN: Form.

13          A. I don't know what you characterize as a normal  
14          turn. If you see somebody try to go around  
15          it, start backing up to get away from it or  
16          what have you, they're trying to avoid the  
17          roadblock.

18          Q. Why did you instruct officers to act on any  
19          and all probable cause resulting from mobile  
20          plate readers and plain view observations?

21                   MR. QUINN: Form.

22          A. Because that's part of their job to enforce  
23          the law.

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—DANIEL DERENDA—

1 Q. Why did you instruct officers to write  
2 summonses for all who are in violation of V&T  
3 laws?

4 A. So they couldn't pick and choose who they  
5 wrote tickets to. If somebody is coming  
6 through without a driver's license, you treat  
7 everybody the same. If somebody doesn't have  
8 an inspection sticker, you don't let one go  
9 and not the other.

10 You don't pick and choose who you  
11 enforce the laws on and that situation is for  
12 a defined period of time and place and people  
13 coming through there should all be treated the  
14 same.

15 Q. So your goal was to enforce the provisions of  
16 the vehicle and traffic law, correct?

17 A. Correct.

18 MR. QUINN: Form.

19 Q. And the idea is that by enforcing the Vehicle  
20 and Traffic Law through the issuance of  
21 traffic signs, you encourage drivers to come  
22 into compliance?

23 MR. QUINN: Form.

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1           Once I became commissioner MRU  
2           disappeared and we disbanded the unit and we  
3           re-formed the Strike Force. I don't know how  
4           many years in between. I didn't have -- it  
5           was no longer my job to be assigning them to  
6           different locations. You have deputy  
7           commissioner of operations. Lockwood overseen  
8           the housing. We put him in charge of housing,  
9           Strike Force and the schools because we put  
10          him all together so he overseen those units  
11          and, generally speaking, he would assign them  
12          where they would be.

13               Occasionally maybe I would chime in  
14               based on something, based on somebody  
15               requesting that I knew about, but the  
16               day-to-day stuff I didn't handle. I had too  
17               many other things on my plate that I didn't  
18               have years before.

19          Q. Now, you expected Strike Force officers to  
20               issue a lot of traffic tickets, right?

21          A. I expected Strike Force officers to be  
22               proactive and out doing their job making  
23               arrests, writing summonses, writing parking

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—DANIEL DERENDA—

1 tickets, writing city ordinances to be visible  
2 and out doing their job proactive, correct.

3 MR. QUINN: Form to the last question.

4 Q. And you mentioned a number of kinds of things  
5 you expected them to do; summonses, parking  
6 tickets, city ordinances.

7 What are city ordinances?

8 A. City ordinance could be anything from whether  
9 -- high grass was one of them. We used to  
10 have specific details and walk through  
11 neighborhoods writing summonses based on city  
12 ordinances. Loud music, high grass, whatever  
13 it may be, and the purpose for that was to get  
14 officers out of their cars walking down the  
15 streets, getting back to what we talked about,  
16 high visibility.

17 So when they're out doing something,  
18 when they're out walking, when they're out  
19 stopping vehicles for traffic violations,  
20 they're highly visible and I believe that has  
21 a major effect in reducing overall crime and  
22 other things.

23 Q. When you felt that Strike Force officers had

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1 low production you let them know, didn't you?

2 MR. QUINN: Object to the form.

3 A. If I seen a report and I seen that they  
4 weren't doing anything, so if you have ten  
5 officers working on a shift and you don't see  
6 any arrests and there's no summonses, then  
7 they're telling me they're not out doing what  
8 they need to be doing, so yes, I would let  
9 somebody know if I didn't think they were  
10 being out there.

11 Again, when you're not tied to the radio  
12 and you're not answering calls you have a lot  
13 of time to be proactive and enforce traffic  
14 laws, do other things and when you're not --  
15 again, I always had the philosophy of what  
16 gets measured gets done, so they were forced  
17 to do reports every shift and you can see if  
18 they're doing things or they're not doing  
19 things and there's times depending on holidays  
20 or whatever you'd see low numbers because of a  
21 couple of reasons.

22 Probably low manpower and people are  
23 home and not driving and nobody is out and

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—DANIEL DERENDA—

1           about and things aren't happening. Crime is  
2           not happening. So there's reasons sometimes  
3           why they're not, but there's other times that  
4           you see low numbers in general and you start  
5           to wonder if they're out on the street being  
6           visible doing what they're supposed to be  
7           doing.

8           Q. So the traffic summonses, the tickets, parking  
9           tags, the city ordinances, all of that is a  
10          way for you to tell whether the Strike Force  
11          officers are out there in the street?

12          A. If they're out there zero tolerance enforcing  
13          laws, violations, if they're out there about  
14          on the street at times walking, at times  
15          driving, whatever, that tells me they're out  
16          working.

17                   MR. QUINN: Form of the last question.

18          Q. And you also had to report those numbers up to  
19          the mayor, correct?

20          A. I didn't have to report the numbers up to the  
21          mayor. Did I report numbers up to the mayor?  
22          I'm sure I did. But no, I didn't have to  
23          report numbers to the mayor.

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary  
5 Public, in and for the County of Erie, State of  
6 New York, do hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken pursuant  
12 to notice at the time and place as herein set  
forth; that said testimony was taken down by me  
and thereafter transcribed into typewriting,  
and I hereby certify the foregoing testimony is  
a full, true and correct transcription of my  
shorthand notes so taken.

13 I further certify that I am neither counsel  
14 for nor related to any party to said action,  
15 nor in anyway interested in the outcome  
thereof.

16 IN WITNESS WHEREOF, I have hereunto  
17 subscribed my name and affixed my seal this  
18 14th of November, 2021.

19 

20  
21 \_\_\_\_\_  
Rebecca Lynne DiBello, CSR, RPR  
22  
23

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